

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

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EARL DANIEL COOPER,

Petitioner,

v.

RICK THALER,
Director, Texas Dep't of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:09-CV-141

**ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION, and
DENYING IN PART PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner has filed with this Court an application for a writ of habeas corpus by a person in state custody. On September 28, 2010, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that petitioner's application for a writ of habeas corpus be denied in part. Specifically, the Magistrate Judge recommended denial of the first and second grounds error raised in the petition. Petitioner filed objections to the Report and Recommendation on October 15, 2010.

The undersigned United States District Judge has made an independent examination of the record in this case and has considered the objections made by petitioner to the Report and Recommendation. The objections filed by petitioner are without merit and are hereby OVERRULED. The Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the first and second grounds of error presented in the petition for a writ of habeas corpus are DENIED. The remaining grounds of the petition, grounds three and four, have not been addressed, and the referral of the habeas corpus petition to the Magistrate Judge remains in effect.

IT IS SO ORDERED.

ENTERED this 19th day of October 2010.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE